



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-18-00035-CV

HARRIETT NICHOLSON, Appellant

v.

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CWMBS
REFORMING LOAN REMIC TRUST CERTIFICATES SERIES 2005-R2,
MELANIE COWAN, BANK OF AMERICA, N.A., AND RECONTRUST
COMPANY, N.A., Appellees

On Appeal from the 342nd District Court
Tarrant County, Texas
Trial Court No. 342-262692-12

Before Bassel, Kerr, and Pittman, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

Appellant Harriett Nicholson attempts to appeal an October 26, 2017 order labeled “Final Judgment.” On January 10, 2019, we notified Nicholson of our concern that we lack jurisdiction over this appeal because the order does not appear to be a final judgment that disposes of all parties. *See Lebmann v. Har-Con Corp.*, 39 S.W.3d 191, 200 (Tex. 2001) (explaining that a judgment is final for purposes of appeal if it (1) actually disposes of all claims and parties or (2) states with unmistakable clarity that it is a final judgment). We informed Nicholson that her appeal could be dismissed for want of jurisdiction unless she or any party desiring to continue the appeal filed a response showing grounds for continuing the appeal. *See* Tex. R. App. P. 42.3(a), 44.3. In response, Nicholson filed an unopposed amended motion to abate the appeal, claiming that the October 26, 2017 order is final but that it is erroneous and seeking to have the appeal abated “until the remaining claims, parties, and issues are resolved in the trial court.” Because the response does not show grounds for continuing the appeal, we dismiss this appeal for want of jurisdiction.¹ *See* Tex. R. App. P. 42.3(a), 43.2(f); *Lebmann*, 39 S.W.3d at 200.

Per Curiam

Delivered: January 31, 2019

¹Because we lack jurisdiction over this appeal, we take no action on Nicholson’s “Unopposed Amended Motion To Abate Appeal.” *See Elliott v. Deutsche Bank Nat’l Trust Co.*, No. 02-16-00421-CV, 2017 WL 526315, at *1 n.2 (Tex. App.—Fort Worth Feb. 9, 2017, no pet.) (mem. op.) (“Because we lack jurisdiction over this appeal, we take no action on Appellants’ ‘Motion for Stay of Action on Appeal.’”).